



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Gerald Branchcomb
Branchcomb, Inc.
9845 S. Frankoma Rd.
Sapulpa, OK 74066

MAR 22 2013

RE: MUR 6542
Branchcomb, Inc.

Dear Mr. Branchcomb:

On March 30, 2012, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended, by Branchcomb, Inc. A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, on March 12, 2013, the Commission found no reason to believe that Branchcomb, Inc. violated 2 U.S.C. § 441b by making a prohibited corporate contribution to Mullin for Congress. The Factual and Legal Analysis, which more fully explains the Commission's decision, is enclosed for your information.

Documents related to the case will be placed on the public record within 30 days. See Statement of Poiloy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009).

If you have any questions, please contact Dominique Dillenseger, the attorney assigned to this matter, at (202) 694-1660.

Sincerely,

Peter G. Blumberg
Assistant General Counsel

Enclosure
Factual and Legal Analysis

13044331608

13044331609

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Branchcomb, Inc.

MUR 6542

I. INTRODUCTION

This matter was generated by a complaint filed with the Federal Election Commission by Morgan Anderssen-Williams, alleging a violation of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Branchcomb, Inc.

II. FACTUAL AND LEGAL ANALYSIS

The Complaint alleges that Branchcomb, Inc. violated the Federal Election Campaign Act of 1971, as amended ("the Act") by making a prohibited corporate contribution to Mullin for Congress and Debbie Dooley in her official capacity as treasurer ("Committee"). Compl. (Mar. 19, 2012); *see* 2 U.S.C. § 441b.

Corporations are prohibited from making contributions in connection with a federal election, and candidates are prohibited from knowingly accepting or receiving corporate contributions. *See* 2 U.S.C. § 441b(a); 11 C.F.R. § 114.2(b)(1). Contributions that present genuine questions as to whether they were made by a prohibited source, such as a corporation, may be either deposited or returned to the contributor within ten days. 11 C.F.R. § 103.3(b)(1). If the contribution is deposited, the treasurer must make his or her best efforts to determine the legality of the contribution. *Id.* If the contribution cannot be determined to be legal, the treasurer must refund the contribution within 30 days of receipt. *Id.*

Committee disclosure reports do not reflect a contribution from Branchcomb, Inc. Instead, the Committee reports receiving a contribution from a similarly-named entity: Branchcomb Asphalt. Gerald Branchcomb, president of Branchcomb, Inc., denied making a

1 contribution to the Committee. *See* Branchcomb Resp. at 1 (May 18, 2012). The Committee
2 notes, and its reports show, that the Committee received a \$500 contribution from a different
3 entity, Branchcomb Asphalt. The Committee asserts that Branchcomb Asphalt is an
4 unincorporated sole proprietorship authorized to make contributions – and we have no evidence
5 to the contrary.¹ Mullin Resp. at 6.

6 Therefore, the Commission found no reason to believe that Branchcomb, Inc. violated
7 2 U.S.C. § 441b by making a prohibited contribution to Mullin for Congress.

¹ Though Branchcomb, Inc. and Branchcomb Asphalt share the same address, they appear to be separate entities. Gerald Branchcomb is president of Branchcomb Inc., a company that manufactures plastic products and industrial machinery. Cody Branchcomb is owner and president of Branchcomb Asphalt, which provides residential and commercial asphalt services. *See* <http://tulsaokasphalt.com/index.html>.

13044331610